

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**In Re:  
THE VAUGHAN COMPANY, REALTORS  
Debtor(s).**

**JUDITH A. WAGNER,**

**Plaintiff,**

**Master Case No. 12-cv-0817 WJ/SMV**

**v.**

**(USDC Case No. 12-cv-0328 WJ/SMV)**

**EVELYN KING,**

**Defendant.**

**ORDER TO SHOW CAUSE TO THIRD PARTY BANK OF AMERICA NA**

THIS MATTER is before the Court on Defendant King's [Amended] Motion for Order to Show Cause and for Sanctions [Doc. 241] ("Motion"), filed March 19, 2013, in the master case 12-cv-0817 WJ/SMV. According to Defendant's Motion, Bank of America NA failed to comply with her Subpoena for Production or Inspection. [Doc. 241] at 1. Plaintiff/Trustee's position on the Motion is unclear.

The Court FINDS:

1. Defendant's Motion is well-taken.
2. Through Defendant, the Court issued a subpoena to Bank of America, ordering it to produce certain documents by 5:00 p.m. on February 21, 2013. [Doc. 241-1] at 1.
3. The subpoena was served on Bank of America on February 6, 2013. [Doc. 241-1] at 2.
4. Despite a deadline of February 21, 2013, Bank of America has not produced any of the subpoenaed documents. In fact, Bank of America has not responded to the subpoena at all. [Doc. 241] at 3.

5. Bank of America has not filed with the Court any motion to quash the subpoena or similar motion.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Defendant King's [Amended] Motion for Order to Show Cause and for Sanctions [Doc. 241] is **GRANTED**.

**IT IS FURTHER ORDERED** that Bank of America NA, through counsel, shall appear telephonically<sup>1</sup> before this Court on **April 17, 2013, at 3:30 p.m.**, and explain its reasons for not complying with the subpoena served on it on February 6, 2013, in this lawsuit. This hearing will be vacated if Defendant notifies the Court that the subpoenaed documents have been produced.

**IT IS FURTHER ORDERED** that Defendant shall serve a copy of this order on Bank of America and provide the Court with proof of service no later than **March 28, 2013**.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**

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<sup>1</sup> Counsel should connect to the proceedings by calling the Court's Meet Me Line at **505-348-2357**. The Meet Me Line, however, accommodates only five income telephone lines. Therefore, **counsel for Defendant King** shall be responsible for coordinating with other counsel to ensure that no more than five incoming telephone lines are utilized.